

AMENDED IN SENATE SEPTEMBER 8, 2003

AMENDED IN SENATE SEPTEMBER 4, 2003

AMENDED IN SENATE AUGUST 25, 2003

AMENDED IN SENATE JULY 21, 2003

AMENDED IN ASSEMBLY APRIL 9, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL**No. 1618**

Introduced by Assembly Members Firebaugh and Calderon

February 21, 2003

An act to add Section 7661 to the Public Utilities Code, relating to railroad corporations, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1618, as amended, Firebaugh. Railroad corporations: runaway trains.

(1) Existing law sets forth the powers and duties of railroad corporations. Existing law authorizes the Public Utilities Commission, after a hearing, to require every public utility to construct, maintain, and operate its line, plant, system, equipment, apparatus, tracks, and premises in a manner so as to promote and safeguard the health and safety of its employees, passengers, customers, and the public.

This bill would require the commission to require every railroad corporation operating in this state to develop by March 1, 2004, in consultation with, and with approval by, the Office of Emergency

Services, a protocol for rapid communications with that office, *the Department of the California Highway Patrol*, and designated local public safety agencies in an endangered area if there is a runaway train or any other uncontrolled train movement that threatens public health and safety. The bill would require a railroad corporation to promptly notify the office, *the department*, and those agencies if there is such a runaway train or other uncontrolled train movement, in accordance with the communications protocol developed pursuant to the bill. Because a violation of an order or decision of the commission is a crime, this bill would create a new crime, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7661 is added to the Public Utilities
2 Code, to read:

3 7661. (a) The commission shall require every railroad
4 corporation operating in this state to develop, by March 1, 2004,
5 in consultation with, and with approval by, the Office of
6 Emergency Services, a protocol for rapid communications with
7 the Office of Emergency Services, *the Department of the*
8 *California Highway Patrol*, and designated local public safety
9 agencies in an endangered area if there is a runaway train or any
10 other uncontrolled train movement that threatens public health and
11 safety.

12 (b) A railroad corporation shall promptly notify the Office of
13 Emergency Services, *the Department of the California Highway*
14 *Patrol*, and designated local public safety agencies if there is a
15 runaway train or any other uncontrolled train movement that
16 threatens public health and safety, in accordance with the railroad

1 corporation's communications protocol developed pursuant to
2 subdivision (a).

3 SEC. 2. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.

12 SEC. 3. This act is an urgency statute necessary for the
13 immediate preservation of the public peace, health, or safety
14 within the meaning of Article IV of the Constitution and shall go
15 into immediate effect. The facts constituting the necessity are:

16 Due to an existing gap in communications during emergency
17 situations where there is a runaway train or any other uncontrolled
18 train movement that threatens public health and safety, it is
19 necessary that this act take effect immediately.

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